

APPLICANT(S): DEVOR, Harold Theodore et al.  
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### REMARKS

Applicants respectfully request reconsideration of the application in view of the foregoing amendments and the following remarks. Applicants request entry of this amendment because the amendment places the pending claims in condition for allowance or in better condition for appeal.

### Status of Claims

Claims 1-28 are pending in the application. Claims 1, 8, 9, 17, and 21 have been amended. Applicants respectfully submit that the amendments to the claims do not contain new matter.

### Claim Rejections

#### 35 U.S.C. § 102 Rejections

In the Office Action, the Examiner rejected Claims 1-7, 9-15, 21-26, and 28 under 35 U.S.C. § 102(b), as being anticipated by Hohensee et al., U.S. Patent Number 6,064,815. Applicants respectfully traverse this rejection in view of the remarks that follow.

Applicants respectfully submit that in view of the foregoing amendment, the rejection of Claims 1-7, 9-15, 21-26, and 28 under 35 U.S.C. § 102(b), as being anticipated by Hohensee should be withdrawn.

Each of amended independent Claims 1, 9, and 21 recites in paraphrase, *inter alia*, detection of misaligned data access during translation of a code block, prior to execution of said code block. Hohensee does not disclose or suggest at least this feature of amended independent Claims 1, 9, and 21. Therefore, Hohensee does not anticipate Claims 1, 9, and 21, as amended.

In contrast, as stated by the Examiner in paragraph 35 of the Office Action, Hohensee discloses that "the translation process is performed for all or part of the program when the processor begins to process the program, and that instructions or groups of instructions (code blocks) may be translated as the processing proceeds, thus the translation occurs at the same time as the code is executed."

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Accordingly, Hohensee does not disclose or suggest detection of misaligned data access "during translation of a code block,...prior to execution of said code block" as is recited in amended independent Claims 1, 9, and 21.

Accordingly, Applicants respectfully request that the rejection of independent Claims 1, 9, and 21, under 35 U.S.C. § 102(b), as being anticipated by Hohensee, should be withdrawn. Furthermore, Claims 2-7, Claims 10-15, and Claims 22-26 and 28 are dependent from amended independent Claims 1, 9, and 21, respectively, and include all the features of these amended independent claims as well as additional distinguishing features. Applicants respectfully submit that the patentability of Claims 2-7, Claims 10-15, and Claims 22-26 and 28 follows directly from the patentability of amended independent Claims 1, 9, and 21, respectively. Accordingly, the rejection of Claims 2-7, 10-15, 22-26, and 28 under 35 U.S.C. § 102(b), as being anticipated by Hohensee, is respectfully requested to be withdrawn.

#### 35 U.S.C. § 103 Rejections

In the Office Action, the Examiner rejected Claims 8 and 16-20 under 35 U.S.C. § 103(a), as being unpatentable over Hohensee.

Applicants respectfully submit that in view of the foregoing amendment, the rejection of Claims 8 and 16-20 under 35 U.S.C. § 103(a) as being unpatentable over Hohensee should be withdrawn.

Each of amended independent Claims 1, 9, and 17 recites in paraphrase, *inter alia*, detection of misaligned data access during translation of a code block, prior to execution of said code block. Hohensee does not disclose or suggest at least this feature of amended independent Claims 1, 9, and 17. Therefore, Hohensee does not render amended independent Claims 1, 9, and 17 obvious.

Each of Claim 8, Claim 16, and Claims 18-20 are dependent from one of amended independent Claims 1, 9, and 17, respectively, and includes all the features of these amended independent claims as well as additional distinguishing features. Applicants respectfully submit that the patentability of Claim 8, Claim 16, and Claims 18-20 follows directly from the patentability of amended independent Claims 1, 9, and 17, respectively. Accordingly, the

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rejection of Claims 8 and 16-20, under 35 U.S.C. § 103(a) as being unpatentable over Hohensee, is respectfully requested to be withdrawn.

In addition, the Examiner rejected Claim 27 under 35 U.S.C. § 103(a), as being unpatentable over Hohensee in view of Drongowski, "Performance Tips for Alpha Linux C Programmers". Applicants respectfully traverse the rejection of Claim 27 under 35 U.S.C. § 103(a).

Claim 27 depends directly from amended independent Claim 21. The deficiency of Hohensee is not supplied by the teachings of the Drongowski reference; accordingly, Applicants respectfully submit that dependent Claim 27 is patentable over the Hohensee and Drongowski references alone, or in combination. Accordingly, the rejection of Claim 27 under 35 U.S.C. § 103(a), as being unpatentable over Hohensee in view of Drongowski, is respectfully requested to be withdrawn.

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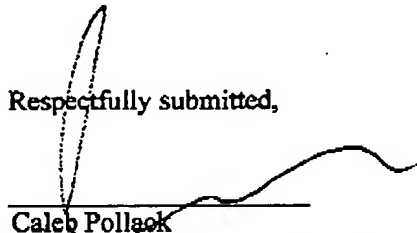
### Conclusion

In view of the foregoing amendment and remarks, and for at least the reasons discussed above, Applicants respectfully submit that Claims 1-28 are deemed to be allowable. Their favorable reconsideration and allowance are respectfully requested.

The Examiner is invited to telephone the undersigned to discuss any still outstanding matters with respect to the present application.

Except for the fees for the Request for Continued Examination, no fees are believed to be due in connection with this paper. However, if any such fees are due, please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,

  
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